

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Anthony John Oliveri, Jr and Debra Lynn Oliveri

Debtor(s)

Citizens Bank, N.A., or its Successor or Assignee
Movant

vs.

Anthony John Oliveri, Jr and Debra Lynn Oliveri
Jack N Zaharopoulos

Respondent(s)

Chapter 13

Bankruptcy No. 5:23-bk-02286-MJC

MOTION FOR RELIEF FROM AUTOMATIC STAY

Movant: Citizens Bank, N.A., or its Successor or Assignee

Mortgage dated July 15, 2008 and recorded on August 14, 2008 in the Office of the Recorder of Luzerne County in Mortgage Book 3008 Page 185091.

1. Citizens Bank, N.A., or its Successor or Assignee (hereinafter "Movant") holds a claim secured by a duly recorded Mortgage on property of Anthony John Oliveri, Jr and Debra Lynn Oliveri, or of the bankruptcy estate located at: 105 Carverton Road, Trucksville, Pennsylvania 18708.

2. Anthony John Oliveri, Jr and Debra Lynn Oliveri (hereinafter "Debtors") filed a Petition under Chapter 13 on October 4, 2023.

3. As of December 21, 2023, the principal balance on the Mortgage is \$66,441.79 plus interest to the date of payment and reimbursement of all reasonable fees and costs incurred to date of payment.

4. Movant's lien is a first priority lien against the Property.

5. As of December 21, 2023, Movant holds an approximate payoff at \$107,683.94.

6. Movant had obtained judgment by default prior to the filing of the current bankruptcy petition.

7. At the present time, the Mortgage requires payments each month of \$833.42.

8. Debtors have failed to make all of the monthly post-petition mortgage payments as required and the account is currently due 3 months post-petition. The payments can be broken down as follows:

- one (1) payment in the amount of \$805.24 for October 21, 2023
- one (1) payment in the amount of \$847.51 for November 21, 2023
- one (1) payment in the amount of \$833.42 for December 21, 2023

9. Since December 21, 2023, Movant has incurred attorney's fees in the amount of \$1,050.00 and costs in the amount of \$199.00 in connection with this Motion.

10. Movant does not have and has not been offered adequate protection for its interest in the said premises and may be required to pay expenses for the said premises in order to preserve its lien, which is the obligation of the Debtors under the said Mortgage.

WHEREFORE, Movant prays for an order modifying the automatic stay of Bankruptcy Code ' 362(a) to permit Movant to foreclose its Mortgage and to exercise any other rights it has under the Mortgage or with respect to the mortgaged property.

/s/ Marisa M. Cohen

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